

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:) CASE NO.: 10-93904-BHL-11
)
EASTERN LIVESTOCK CO., LLC,)
)
Debtor.)

**MOTION TO QUASH ORDER GRANTING MOTION FOR
2004 EXAMINATION UPON THE UNITED STATES DEPARTMENT OF
AGRICULTURE, GRAIN INSPECTION, PACKERS & STOCKYARDS**

The United States Department of Agriculture, Grain Inspection, Packers & Stockyards (“USDA” or “GIPSA”), by counsel, Joseph H. Hogsett, United States Attorney for the Southern District of Indiana and Jeffrey L. Hunter, Assistant United States Attorney, respectfully moves to quash the Order Granting Motion for 2004 Examination upon the United States Department of Agriculture, Grain Inspection, Packers & Stockyards entered by this Court on July 8, 2011. Dkt 594.¹

In support of this motion the USDA submits its separate and supporting brief.

JOSEPH H. HOGSETT
United States Attorney

By: /s/ Jeffrey L. Hunter
Jeffrey L. Hunter
Assistant United States Attorney

¹In addition to the grounds specifically raised in the Memorandum, the USDA reserves the right to assert in a subsequent motion, *inter alia*, that there was improper service of the Motion for 2004 Examination, that as the USDA was not a creditor in the case the Court did not have the power to enter the Order Granting the Motion for 2004 Examination, and that as the Motion for 2004 Examination improperly sought written discovery from a non-party, the Order should not have been entered.

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2011, a copy of the foregoing MOTION TO QUASH ORDER GRANTING MOTION FOR 2004 EXAMINATION UPON THE UNITED STATES DEPARTMENT OF AGRICULTURE, GRAIN INSPECTION, PACKERS & STOCKYARDS was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

U.S. Trustee
ustpreion10.in.ecf@usdoj.gov

Stephen P. Taylor
ecfdocket@gmail.com

Ann M. DeLaney
ecfdelaney@trustee.13.com

David L. Abt
davidabt@mwt.net

Amelia M. Adams
aadams@dlgfir.com

John W. Ames
jwa@gdm.com

Jerald I. Ancel
jancel@taftlaw.com

Christopher E. Baker
cbaker@hklawfirm.com

T. Kent Barber
kbarber@dlgfir.com

C. R. Bowles, Jr.
crb@gdm.com

Kent A. Britt
kabritt@vorys.com

Lisa K. Bryant
courtmail@fbhlaw.net

James M. Carr
james.carr@bakerd.com

John R. Carr, III
jrciii@acs-law.com

Deborah Caruso
dcarus@daleeke.com

Jesse Cook-Dubin
jcookdubin@cohenkinne.com

Kirk Crutcher
krutcher@mcs-law.com

Laura Day DelCotto
ldelcotto@dlgfir.com

David A. Domina
dad@dominalaw.com

Daniel J. Donnellon
ddonnellon@ficlaw.com

Trevor L. Earl
tearl@rwsvlaw.com

Jeffrey R. Erler
jeffe@bellnunnally.com

Sarah Stites Fanzini

Robert H. Foree

sfanzini@hopperblackwell.com

Sandra D. Freeburger
sfreeburger@dsf-atty.com

Terry E. Hall
terry.hall@bakerd.com

John Huffaker
john.huffaker@sprouselaw.com

Todd J. Johnston
tjohnston@mcjllp.com

James A. Knauer
jak@kgrlaw.com

Randall D. LaTour
rldatour@vorys.com

David L. LeBas
dlebas@namanhowell.com

Kim Martin Lewis
kim.lewis@dinslaw.com

John Hunt Lovell
john@lovell-law.net

Michael W. McClain
mike@kentuckytrial.com

James E. McGhee, III
mcghee@derbycitylaw.com

Allen Morris
amorris@stites.com

Walter S. Newbern, III
wsnewbern@msn.com

Ross A. Plourde
ross.plourde@mcafeetaft.com

Jeffrey E. Ramsey
jramsey@hopperblackwell.com

robertforee@bellsouth.net

Jeffrey J. Graham
jgraham@taftlaw.com

John D. Hoover
jdhooover@hooverhull.com

James B. Johnston
bjtexas59@hotmail.com

Edward M. King
tking@fbtlaw.com

Theodore A. Konstantinopoulos
ndohbky@jbandr.com

David A. Laird
david.laird@moyewwhite.com

Elliott D. Levin
robin@rubin-levin.net

Karen L. Lobring
lobring@msn.com

John F. Massouh
john.massouh@sprouselaw.com

Kelly Greene McConnell
lisahughes@givenspursley.com

William R. Meyer, II
rmeyer@stites.com

Judy H. Morse
judy.morse@crowedunlevy.com

Matthew J. Ochs
matt.ochs@moyewwhite.com

Wendy W. Ponader
wendy.ponader@bakerd.com

Susan K. Roberts
skr@stuartlaw.com

Mark A. Robinson
mrobinson@vhrlaw.com

Ashley S. Rusher
asr@blancolaw.com

Ivana B. Shallcross
ibs@gdm.com

Robert K. Stanley
robert.stanley@bakerd.com

Meredith R. Thomas
mthomas@daleeke.com

Stephen A. Weigand
sweigand@ficlaw.com

Sean T. White
swhite@hoverhull.com

James T. Young
james@rubin-levin.net

Jeremy S. Rogers
jeremy.rogers@dinslaw.com

Thomas C. Scherer
tscherer@binhammchale.com

William E. Smith, III
wsmith@k-glaw.com

Joshua N. Stine
jnstine@vorys.com

John M. Thompson
john.thompson@crowedunlevy.com

Charles R. Wharton
charles.r.wharton@usdoj.gov

Jessica E. Yates
jyates@swlaw.com

/s/ Jeffrey L. Hunter
Jeffrey L. Hunter
Assistant United States Attorney

Office of the United States Attorney
Southern District of Indiana
10 W. Market St., Suite 2100
Indianapolis, Indiana 46204-3048
Telephone: (317) 226-6333